

Disciplinary Hearing

Monday Morning  
August 28, 2006  
10:00 a.m.

The Commissioners adjourned their regular meeting at 9:41 a.m. to conduct a police officer disciplinary hearing which began at 10:21 a.m.

\* \* \*

*RE: Hearing on the merits of the appeal of John Meyers, from the action of the Department of Public Safety, Division of Police, discharging him from the position of Police Lieutenant – Case No. 06-CA-0006.*

The Commission proceeded on the following charges and specifications:

**Charge I:** You are hereby charged with violating **Rule of Conduct 1.03(A) 'Violation of Rules or Division Directives,'** which states, *'Division personnel shall not commit or omit acts in violation of the explicit or implicit purpose of the Rules of Conduct, Policies, Directives, or orders of the Division. It is not necessary that every specific act which would constitute a violation be expressly prohibited in written form.'*

**Specification I:** Division Directive 3.02 *"Duties and Responsibilities of Personnel"* generally describes duties and responsibilities for Division personnel. Included in duties and responsibilities for a Division Police Lieutenant as stated in Directive 3.02 subsection III.C.1.c. is to *"Collect and preserve all items which are of evidentiary value."*

On or about January 8, 2004, you ordered the destruction of videotape made during a Vice "sting operation" at the Extended Stay of America Motel located at 6255 Zumstein Road. At the time you ordered the destruction of the videotape, you were aware the tape had potential evidentiary value.

**Specification II:** Division Directive 3.02 *"Duties and Responsibilities of Personnel"* generally describes duties and responsibilities for Division personnel. Included in duties and responsibilities for a Division Police Lieutenant as stated in Directive 3.02 subsection II1.C.1.c. is to *"Collect and preserve all items which are of evidentiary value."*

Division Directive 3.34 *"Property and Evidence Handling"* subsection II.B.4. states, *"Property seized for evidence shall be handled by as few Division employees as possible, thereby keeping the chain of custody to a minimum."*

On or about December 1, 2003, you ordered the release of a laptop computer recovered pursuant to a search warrant involving a brothel investigation to a personal associate, Jim Crowley, so he could perform a forensics exam on the computer's hard drive. These unnecessary actions were outside normal Division protocol for handling such evidence and needlessly placed the computer's evidentiary value in jeopardy.

**Charge II:** You are hereby charged with violating **Rule of Conduct 1.06(A) "Conflicting or Illegal Orders,"** which states, *"Division personnel who are given an otherwise proper*

*order which conflicts with a previous order, rule, regulation or directive shall respectfully inform the superior issuing the second order of the conflict. The superior issuing the second order shall decide which order is to stand. Under these circumstances, responsibility for the conflict rests with the superior who issues the second order. Personnel will not be held responsible for disobedience of an order, rule, regulation or directive which they are ordered to disregard. If necessary, the superior issuing the second order shall write a letter to the Chief of Police explaining the reason for the conflicting order.*

**Specification I:** On or about September 11, 2003, you issued a verbal order to Vice Unit sergeants that the so called "cop test" investigative procedure would no longer be utilized during prostitution investigations. This order was in direct conflict with a verbal order delivered by Chief James G. Jackson to the Vice detectives earlier in the year. You were made aware of the conflict in orders and took no further action.

**Charge III:** You are hereby charged with violating **Rule of Conduct 1.15(A)(5) "General Requirements,"** which states, *"Division personnel shall be truthful at all times.*

**Specification I:** On or about June 28, 2004, you stated to Internal Affairs Sergeant Gary Mathias that you did not order the destruction of a videotape made during a Vice "sting operation" at the Extended Stay of America Motel located at 6255 Zumstein Road on or about January 8, 2004. You knew at that time this statement was not true.

**Specification II:** On or about July 20, 2004, you submitted a written statement for inclusion into your IAB investigation stating that you did not order the destruction of a videotape made during a Vice "sting operation" at the Extended Stay of America Motel located at 6255 Zumstein Road on or about January 8, 2004. You knew at the time you submitted this written statement that it was not true.

**Specification III:** On or about June 28, 2004, you stated to Internal Affairs Sergeant Gary Mathias that you did not ask Officer Jennifer Mancini if she would "go into a hotel with me and take off all your clothes and get naked with me," or make a statement of similar nature on or about March 4, 2004, during a Vice "sting operation" at the La Quinta Motel located at 2447 Brice Road. You knew at that time your statement was not true.

**Specification IV:** On or about June 28, 2004, you stated to Internal Affairs Sergeant Gary Mathias that you did not state in the presence of other Division employees that "I'm the lieutenant, if you guys get to see her tits, so do I" or make a statement of similar nature on or about March 2, 2004, during a Vice "sting operation" at the La Quinta Motel located at 2447 Brice Road. You knew at that time your statement was not true.

**Specification V:** On or about June 28, 2004, you stated to Internal Affairs Sergeant Gary Mathias that you did not advise Vice personnel that they were prohibited from utilizing "cop tests" for the purpose of enforcing street prostitution. You knew at that time your statement was not true.

**Charge IV:** You are hereby charged with violating **Rule of Conduct 1.30 "Withholding Information,"** which states, *"Division personnel shall communicate to their immediate supervisor, and/or any appropriate unit within the Division, information or tips on crimes or criminal activity or other important matters of which they may be aware."*

**Specification I:** During the month of November 2003, you made a request to Cmdr. Richard Crosby to have a forensic examination done on a seized laptop computer outside of normal Division protocols. During your request, you advised Cmdr. Crosby the Division's forensic computer specialist was backed up, but failed to advise him you had not even spoken to the Division's specialist regarding the examination. You further failed to advise Cmdr. Crosby of your personal relationship with the outside entity to which you intended to release the computer. You were obliged to inform Cmdr. Crosby of this pertinent information to assist him in making an informed decision.

**Charge V:** You are hereby charged with violating **Rule of Conduct 1.36 "Unbecoming Conduct,"** which states, in part, *"Division personnel are to conduct themselves at all times, both on and off duty, in such a manner as to reflect favorably on the Division."*

*Unbecoming conduct is behavior that implicitly or explicitly brings the Division into disrepute, reflects discredit upon the individual as a Member of the Division, or impairs the operations or efficiency of the Division or the individual.*

**Specification I:** On or about April 26, 2004, you placed a phone call to the immediate supervisor, Sergeant Thomas Nance, of Officer Jennifer Mancini who was a witness in an investigation of your conduct which included EEO allegations. During this phone conversation, you discussed potential disciplinary repercussions for untruthful testimony, including termination, and suggested that Sergeant Nance talk to Officer Mancini regarding the issue. You impaired the efficiency of an Internal Affairs investigation by using your position as a lieutenant and making insinuations against an officer witness in said IAB investigation.

**Charge VI:** You are hereby charged with violating **Rule of Conduct 1.48 "Compliance with E.E.O. Laws, Rules, Orders, Policies, and Directives,"** which states, *"Division personnel shall obey Federal, State, and Local antidiscrimination statutes; and Division rules, orders, directives, and policies pertaining to E. E. O."*

**Specification I:** Division Directive 3.26 *"Equal Employment Opportunity, Nondiscrimination, and ADA"* subsection II.B. states, *"Sexual harassment is any unwanted physical or verbal conduct of a sexual nature as well as repeated and unwanted sexual requests and advances. Prohibitions against sexual harassment apply regardless of the sex of the persons involved. Specific behaviors that are prohibited include, but are not limited to: 1. Offensive sexual flirtation, advances, or proposition. 2. Verbal abuse of a sexual nature. 3. Graphic verbal commentaries about an individual's body. 6. Leering,*

*pinching, patting, and swearing; particularly when sexual terms are used."*

On or about March 4, 2004, during a Vice "sting operation" at the La Quinta Motel located at 2447 Brice Road, you asked Officer Jennifer Mancini if she would "go into a hotel with me and take off all your clothes and get naked with me," or a statement of similar nature.

**Specification II:** Division Directive 3.26 "*Equal Employment Opportunity, Nondiscrimination, and ADA*" subsection II.B. states, "Sexual harassment is any unwanted physical or verbal conduct of a sexual nature as well as repeated and unwanted sexual requests and advances.

*Prohibitions against sexual harassment apply regardless of the sex of the persons involved. Specific behaviors that are prohibited include, but are not limited to: 1. Offensive sexual flirtation, advances, or propositions. 2. Verbal abuse of a sexual nature. 3. Graphic verbal commentaries about an individual's body. 6. Leering, pinching, patting, and swearing; particularly when sexual terms are used."*

On or about March 2, 2004, during a Vice "sting operation" at the La Quinta Motel located at 2447 Brice Road, you stated in the presence of other Division employees that "I'm the lieutenant, if you guys get to see her tits, so do I" or a statement of similar nature.

**Specification III:** Division Directive 3.26 "*Equal Employment Opportunity, Nondiscrimination, and ADA*" subsection III.H. states, "*There will be no harassment of or retaliation against any person who files or proposes to file a discrimination complaint or who **is or** has been a witness in an EEO complaint, stood up **for a** person with an EEO concern, or opposed what they believe to be an EEO violation."*

On or about April 26, 2004, you placed a phone call to the immediate supervisor, Sergeant Thomas Nance, of Officer Jennifer Mancini who was a witness in an investigation of your conduct which included EEO allegations. During this phone conversation, you discussed potential disciplinary repercussions for untruthful testimony, including termination, and suggested that Sergeant Nance talk to Officer Mancini regarding the issue. Your conduct is deemed to constitute harassment or intimidation of a witness in an EEO allegation.

Appearances and preliminary matters were handled. The City requested a separation of witnesses. Ms. Niedecken and Mr. Sanders gave their opening statements.

Sergeant Steven Little – Ms. Niedecken called Sergeant Steven Little as the City's first witness. Sergeant Little was sworn in by Commission President Tyson, examined on direct by Ms. Niedecken, examined on cross by Mr. Sanders, answered questions from the Commissioners, examined on re-direct by Ms. Niedecken and re-cross by Mr. Sanders, answered additional questions from the Commissioners, and was excused.

John Meyers – Ms. Passmore called John Myers as the City's next witness. Mr. Meyers was sworn in by Commission President Tyson. Mr. Myers was examined on direct by Ms. Passmore and excused.

Sergeant William Potasky – Ms. Niedecken called Sergeant Potasky as the City's next witness. Sergeant Potasky was sworn in by Commission President Tyson, examined on direct by Ms. Niedecken, examined on cross by Mr. Sanders, answered questions from the Commissioners, examined on re-cross by Mr. Sanders, and excused.

Sergeant Richard Curry – Ms. Niedecken called Sergeant Curry as the City's next witness. Sergeant Curry was sworn in by Commission President Tyson, examined on direct by Ms. Niedecken, examined on cross by Mr. Sanders, examined on re-direct by Ms. Niedecken, answered questions from the Commissioners, examined on re-cross by Mr. Sanders and was excused.

Commander Richard Crosby – Ms. Niedecken called Commander Crosby as the City's next witness. Commander Crosby was sworn in by Commission President Tyson, examined on direct by Ms. Niedecken, examined on cross by Mr. Sanders, examined on re-direct by Ms. Niedecken, answered questions from the Commissioners, and was excused.

Detective James B. Singleton – Ms. Niedecken called Detective Singleton as the City's next witness. Detective Singleton was sworn in by Commission President Tyson, was examined on direct by Ms. Niedecken, examined on cross by Mr. Sanders, examined on re-direct by Ms. Niedecken, answered questions from the Commissioners, was examined on re-cross by Mr. Sanders, answered additional questions from the Commissioners, and was excused.

Police Officer Steven J. Craig – Ms. Niedecken called Officer Craig as the City's next witness. Officer Craig was sworn in by Commission President Tyson, was examined on direct by Ms. Niedecken, examined on cross by Mr. Sanders, and was excused.

Detective Montel Stalneker – The City next called Detective Montel Stalneker. Detective Stalneker was sworn in by Commission President Tyson, was examined on direct by Ms. Niedecken, examined on cross by Mr. Sanders, examined on redirect by Ms. Niedecken, answered questions from the Commissioners, was cross-examined by Mr. Sanders, and was excused.

The hearing was adjourned at 4:51 p.m. and scheduled to reconvene on Tuesday, August 29, 2006, at 9:00 a.m.

\* \* \*

Tuesday Morning  
August 29, 2006  
9:00 a.m.

The Commission reconvened the disciplinary hearing on the following matter:

*RE: Hearing on the merits of the appeal of John Meyers, from the action of the Department of Public Safety, Division of Police, discharging him from the position of Police Lieutenant – Case No. 06-CA-0006.*

Chief James G. Jackson – Ms. Passmore called Chief Jackson as the City's next witness. Chief Jackson was sworn in by Commission President Tyson, was examined on direct by Ms. Passmore, examined on cross by Mr. Sanders, examined on re-direct by Ms. Passmore, and was excused.

Police Officer Ben Wolfenbarger, Jr. – Ms. Niedecken called Officer Wolfenbarger as the City's next witness. Officer Wolfenbarger was sworn in by Commission President Tyson, examined on direct by Ms. Niedecken, examined on cross by Mr. Sanders, and was excused.

Sergeant James Jardine – Ms. Passmore called Sergeant Jardine as the City's next witness. Sergeant Jardine was sworn in by Commission President Tyson, examined on direct by Ms. Passmore, examined on cross by Mr. Sanders, and was excused.

Detective Richard L. Stevens – Ms. Niedecken called Detective Stevens as the City's next witness. Detective Stevens was sworn in by Commission President Tyson, examined on direct by Ms. Niedecken, examined on cross by Mr. Sanders, and was excused.

The City had no further witnesses to call at this time.

Kelly Castle – Mr. Sanders called Ms. Castle as the appellant's first witness. Ms. Castle was sworn in by Commission President Tyson, was examined on direct by Mr. Sanders, was examined on cross by Ms. Passmore, examined on re-direct by Mr. Sanders, answered questions from the Commissioners, examined on re-direct by Mr. Sanders, and is excused.

John Meyers – Mr. Sanders called John Meyers as the appellant's next witness. Mr. Meyers was previously sworn in by Commission President Tyson. Mr. Meyers was examined on direct by Mr. Sanders, examined on cross by Ms. Passmore, examined on re-direct by Mr. Sanders, examined on re-cross by Ms. Passmore, and answered questions from the Commissioners.

The hearing was adjourned at 3:53 p.m. and was scheduled to reconvene on Wednesday, September 6, 2006, at 12:30 p.m.

\* \* \*

Wednesday Morning  
September 6, 2006  
12:30 p.m.

The Commission reconvened the disciplinary hearing on the following matter:

*RE: Hearing on the merits of the appeal of John Meyers, from the action of the Department of Public Safety, Division of Police, discharging him from the position of Police Lieutenant – Case No. 06-CA-0006.*

Preliminary matters were handled.

John Meyers – Mr. Sanders continued re-direct of Mr. Meyers. Mr. Meyers was examined on re-cross by Ms. Passmore, examined on re-direct by Mr. Sanders, and was excused.

Officer Jennifer Mancini – Ms. Passmore called Officer Mancini as the City's witness out of order due to Officer Mancini being unavailable on August 28 and 29, 2006. Officer Mancini was sworn in by Commission President Tyson, examined on direct by Ms. Passmore, examined on cross by Mr. Sanders, answered questions from the Commissioners and was excused.

Detective Kelly Shay – Ms. Passmore called Detective Shay as the City's next witness. Detective Shay was examined on direct by Ms. Passmore, examined on cross by Mr. Sanders, examined on re-direct by Ms. Passmore, and was excused.

There being no further witnesses for either party, Mr. Sanders moved to admit Appellant's Exhibits 1, 2, 3, and 4. Ms. Passmore objected to the introduction of these four exhibits, and the Commissioners overruled the objection and accepted the four exhibits into evidence.

Mr. Sanders next moved to admit Appellant's Exhibits 5, 6, 7, and 8 into the record. Ms. Passmore objected to the introduction of these four exhibits into the record. The Commissioners overruled the objection and accepted these four exhibits into the record.

The City moved for City Exhibits 1, 2, and 3, to be introduced into the record; there was no objection, and these three exhibits were accepted into the record.

Ms. Niedecken and Mr. Sanders presented their closing statements.

The hearing adjourned at 2:58 p.m.

\* \* \*

Commission President Tyson reconvened the hearing at 3:48 p.m. in order to enter the findings of fact and decision into the record.

FINDINGS OF FACT AND DECISION

The Commission, in a unanimous decision, found John Meyers, **guilty** of Charge I, Specifications I and II; Charge II, Specification I; Charge III, Specifications III, IV, and V; Charge IV, Specification I; Charge V, Specification I; and Charge VI, Specification III. They found Mr. Meyers **not guilty** of Charge III, Specifications I and II and Charge VI, Specifications I and II.

Based upon the foregoing, the Commission **affirmed** the action of the appointing authority in terminating John Meyers from the position of Police Lieutenant for the City of Columbus, Ohio, Department of Public Safety, Division of Police.

THIS BY DIRECTION OF THE COMMISSION.

\* \* \*

The hearing was adjourned at 3:50 p.m.

\* \* \*

---

Priscilla R. Tyson, Commission President

---

September 25, 2006  
Date